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MEMORANDUM:

DATE: March 23, 1978

SUBJECT: LAER Standards - U.S.S. Corporation

FROM: Director,
Division of Stationary Source Enforcement

TO: Gordon M. Rapier, Director
Air and Hazardous Materials Division
Region III

This is in response to a letter from United States Steel Corporation (USSC) to Peter Wynne, EPA Region III, which was transmitted to this office for review and resolution. USSC is proposing to construct four coke batteries at its Clairton facility. The area surrounding this facility has been determined to be non-attainment and, therefore, requires that any new construction conform to EPA's Interpretative Ruling (IR). Among other things, the IR requires that all new sources locating in non-attainment areas employ control techniques which meet the lowest achievable emission rate (LAER), as defined on a case-by-case basis.

USSC has received permit approval to construct Battery No. 20, and has already initiated construction. Permit applications have been filed for Batteries 13, 14, and 15, but approval has not yet been granted. USSC is planning to commence construction of Battery No. 15 on April 1, 1978. While Battery No. 15 has not yet received an approval, it appears from USSC's memo that EPA and USSC have negotiated the limits of LAER applicable to Battery No. 15. The LAER limits for Batteries Nos. 15 and 20 are identical. Batteries Nos. 13 and 14 are scheduled to commence construction on April 1, 1979.

Since USSC has applied for a permit to construct, (Batteries 13 and 14) they must be given the necessary information upon which to base their control options. If it is determined that LAER, at this time, is consistent with that applicable to Batteries 15 and 20, then that should be the level of control specified. This determination should reflect the level of control, established as LAER, which is appropriate at the time of permit review. Therefore, unless USSC is unable to proceed on a continuous program of construction (i.e., commence on site construction within 18 months of permit approval) the LAER should be constrained by the level of technology which is available at this time. Should USSC be unable to meet this construction schedule, then they should be required to obtain a subsequent permit approval and LAER should be reassessed at that time.

If you have any additional questions or comments concerning this matter, please contact Rich Biondi (755-2564) of my staff.

Edward E. Reich

cc: Steve Wassersug - Region III
Peter Wynne - Region III
Neil Swanson - Region III
Mike Trutna - CPDD

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 04 1978

MEMORANDUM

SUBJECT: Application of Condition 2 of the Emission
Offset Policy to Permitted Facilities;
United States Steel Corporation's Clairton Works

FROM: Director
Division of Stationary Source Enforcement

TO: Stephen B. Wassersug, Director
Enforcement Division, Region III

In response to your memorandum of September 26, 1978, the Assistant Administrator for Enforcement has discussed this matter with the Deputy Assistant Administrator for General Enforcement and myself. We concur in your position that it would be inappropriate to take enforcement action against United States Steel Corporation for the failure of permits already issued for construction of Batteries Nos. 13, 14, 15, and 20 to meet Condition 2 of the Interpretative Ruling (41 F.R. 55524, December 21, 1976).

You should, however, make it clear to United States Steel Corporation that all permits not currently issued to such facilities will be required to meet all applicable federal requirements, including Condition 2 of the Interpretative Ruling.

Edward E. Reich